

Chapter 9: Agenda for Moving Forward

As stated earlier in the report, the Deputy Administrator is creating an internal Superfund Board of Directors to improve program coordination, integration and accountability. The OSWER Assistant Administrator will chair this board which will be made up of Assistant Administrators who manage Superfund resources and responsibilities. The board will be co-chaired by the Assistant Administrator for the Office of Enforcement and Compliance Assurance. Regional participation, at a minimum, will include the Lead Regions for Superfund and Enforcement.

The Board's first task will be to develop an action plan(s) for the implementation of this study. The study provides a blueprint for action for the Board of Directors. Attached in Appendices A and B are summaries of the recommendations and options identified in the study and the offices responsible for implementation.

In addition, the study team has identified some near term and long term actions which can focus attention on one of the key goals of the study – identifying additional funds which can be used for long term cleanups. This short list of recommendations does not represent the highest priority recommendations of the overall study, but a starting point for the Board of Directors. The activities which can be initiated within this fiscal year have been marked with an asterisk even though some of them may take longer than one year to complete.

The individual chapters of the report provide background and context for these recommendations, and in some cases, additional recommendations on the subject. The recommendations are grouped by subject area.

Improving Overarching Leadership and Program Accountability

- Far from a one-dimensional cleanup program, Superfund has continued to evolve over the years and has developed and applied new approaches. Senior program managers should evaluate the Superfund program's current goals and objectives and clearly communicate the hierarchy among the goals to ensure that Superfund resources are properly directed to achieve the Agency's most important goals. This action is critical in the area of National Priorities List (NPL) site cleanups to ensure that the limited funds available for long term cleanups are maximized and appropriately allocated.

Recommendation 2

Continuing to Increase Potentially Responsible Party (PRP) Involvement

- *Using Fund-Lead Work as an Enforcement Lever – While continuing to stress early PRP search activity and maximizing PRP involvement, OSWER should set aside funds for Regions to begin RI/FS work early where PRP recalcitrance is evident. (Near Term) **Recommendation 24**
- Using NPL as an Incentive for Voluntary Cleanup Work – OSWER should maintain a sufficient rate of listing on the NPL to function as an incentive for PRPs to perform work under the Superfund program as well as other programs and authorities. **Recommendation 23**
- *Increasing PRP Involvement in Removal Actions - OECA and OSWER should work with the Lead Regions to develop goals similar to those in the remedial program for enforcement first in the removal program to increase the percentage of PRP conducted removal actions. **Recommendation 54**

Developing a Better, More Effective Cleanup Program

- Defining the Scope of Mega Sites Specifically and Early – OSWER should work with the Regions to establish a process for national review of the scope of potential megasites at the time of listing to ensure that sites are properly characterized as early as possible so that out-year funding needs can be more accurately forecast. **Recommendation 28**
- *Examining the Role of the National Remedy Review Board (NRRB) and the Cost of Site Work **Recommendations 37 & 40**
 - The work of the NRRB has resulted in reduced costs for selected remedies. OSWER should re-evaluate the criteria for identifying sites for scrutiny by the Board, with an eye toward expanding the number of sites undergoing review.
 - OSWER should consider cost reviews of every site with a long term response action (LTRA) to minimize remedy costs. Cost saving approaches should be shared across the regions.
- Reviewing Specific Records of Decisions – OSWER should set up a review team of headquarters and regional staff to make sure that the selected remedies at sites incorporate new technology and the most cost efficient cleanup approach based on experience since the remedies' selection. **Recommendation 41**
- Pursuing Superfund Alternative Sites Approach – The Regions should establish and implement a process by which Superfund alternative sites are prioritized along with their NPL sites to ensure that response funds are being spent on the sites with the highest risk. **Recommendation 26**
- *Funding Mechanism and Providing Oversight – Regional senior management should ensure that they are involved in selecting the cleanup mechanism (e.g.

other federal agency, state or remedial action contractor) to ensure that funds are being managed as effectively as possible. ***Recommendation 43***

- *Superfund Analytical Support - The Regions should fully and consistently implement the approach proposed by the Field and Analytics Services Teaming Advisory Committee (FASTAC) for cost effective analytic support for both the remedial and removal programs. (This approach generally allows the Regions to chose the lowest cost laboratory support for particular analytical needs).

Recommendation 49

- *Superfund Research - The Assistant Administrators and/or Deputy Assistant Administrators for ORD and OSWER should meet with the Deputy Administrator no later than June 10, 2004, to discuss improvements both organizations intend to implement to improve the effectiveness of the Superfund research program. ***Recommendation 64***

Better Utilization of Dollars and FTE

- Reducing Costs to Meet Numerical Targets - The study identifies a series of options for the Administrator and Deputy Administrator to review as they make decisions about approaches (i.e. targeted or pro rata cuts) to finding additional funding for long term cleanups. ***Options 1-4***
- *Make Purposeful Resource Shifts to Address Programmatic Needs – The lead Region should facilitate a process that takes advantage of capabilities already developed and demonstrated in areas of programmatic specialization by encouraging regions with needs in these areas to obtain support from the Regions with the capability and capacity to take on more work. An example is one Region conducting post construction work at completed sites for another region. ***Recommendation 17***
- Addressing Underutilized Enforcement FTE and Contract Support – The Enforcement program should return to a definition that includes oversight of PRP actions as an enforcement activity which will improve FTE utilization. Implementing this change will require that additional contract funding will be provided to OECA to make up for the shortfall now being filled by payroll carryover. ***Recommendation 52***
- *Using Special Accounts Effectively – OECA and the Regions should discuss the current special account guidance to determine if additional clarification is necessary to maximize the use of special account dollars. ***Recommendation 61***
- *In FY 2003, the Agency deobligated over \$100 million from expired and active contracts, IAGs and grants. ***Recommendations 21, 72, 73 and 78***

To continue this approach to better utilizing funds:

- EPA Regions and Headquarters should establish a schedule for FY 2004 deobligations and initiate actions immediately so the funds will be available during this fiscal year.
- For programmatic contracts and IAGs, OSWER should immediately establish a pool of \$5 million to cover indirect cost rate adjustments and late bills for Headquarters and Regional response contracts and additional bills for IAGs. This pool will give the Regions and Headquarters more incentive to deobligate funds after a contract or IAG expires.
- OCFO and OARM should work together to develop standard operating procedures for resolving billing issues with other federal agencies.
- For IAGs, grants and contracts, OARM should establish appropriate closeout performance measures and send quarterly reports to Senior Resource Officials with outstanding closeouts, including the amount of outstanding dollars.

Measuring Performance

- Measuring Performance - ***Recommendations 8 & 91***
 - All National Program Managers with Superfund resources, with their Lead Regions, should adopt and track a manageable number of meaningful regionally specific performance measures to ensure greater accountability; ensure data systems are in place to facilitate timely and accurate reporting; and consider using measures beyond traditional cleanup milestones, including financial management, resource utilization and cost recovery effectiveness.
 - OSWER and the Regions should work together to establish performance measures for Superfund State Contracts, which could address the timeliness of collecting funds and returning excess funds to states.

Preventing Potential Future Superfund Sites

- Preventing Potential Future Superfund Sites - OSWER should conduct an evaluation of historical removal actions to determine whether patterns exist in certain industries (using Standard Industrial Classification codes).

Recommendation 36